

**U.S.Department ofLabor**

OfficeofAdministrativeLawJudges  
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**IssueDate:27October2006**

CaseNo.: 2006-LHC-75

OWCPNo.: 5-121328

Inthematterof

G.W .,

Claimant,

v.

NEWPORTNEWSSHIPBUILDING  
ANDDRYDOCKCOMPANY,  
Employer.

**DECISIONAND ORDEROFCOMPENSATIONONSTIPULATIONS**

Thisclaimis filedpursuanttotheLongshoreandHarborWorkers' CompensationAct,as amended(Act),33U.S.Code,Title33,§901etseq.,andisgovernedbytheimplementing RegulationsfoundatCodeofFederalRegulations,Title29,Part18 ,andTitle20,Chapter VI,SubchapterA .ThiscasewasforwardedtotheOfficeofAdministrativeLawJudgeson April27,2006withnotationofaninjurydateofJanuary24,1997.

**STIPULATIONSANDFINDINGSOFFACT**

ThePartieshaveenteredintowrittenStipulationswhicharead optedandincorporatedherein astheCourt'sFindingsofFact:

1. ThatonJanuary24,1997,theClaimantwasintheemployoftheEmployer.
2. ThattheliabilityoftheEmployerforpaymentofworkers' compensationbenefitswas insuredbytheself -insuredEmpl oyer.
3. ThatonJanuary24,1997theClaimant,whileperformingservicesasashipbuilder,and whileengagedinhisnormaloccupation,sustainedinjurytohisleftknee.

4. That written notice of injury was not given within thirty (30) days; but, that the Employer had knowledge of the injury and has not been prejudiced by the lack of written notice.
5. That the Employer furnished the Claimant with medical services in accordance with the provisions of Section 907 of the Act.
6. That the average weekly earnings of the Claimant at the time of the injury were \$696.10.
7. That as a result of the injury, the Claimant was temporarily and totally disabled from September 23, 1997 to May 7, 1998; from May 18, 1998 to May 21, 1998; from June 16, 1998 to July 6, 1998; from July 16, 1998 to July 20, 1998; from January 20, 2000 to January 30, 2000; from August 17, 2000 to September 12, 2000; from October 27, 2000 to November 18, 2000; from June 6, 2001 to June 10, 2001; from October 1, 2002 to January 19, 2003; from May 12, 2003 to May 19, 2003; from October 6, 2003 to December 14, 2003; from January 28, 2003 to February 15, 2004; from August 13, 2004 to January 10, 2005; and from February 10, 2005 to February 13, 2005, inclusive, entitling him to compensation for a total of 98 weeks at \$474.07 per week, amounting to \$45,478.86.
8. That as a result of the injury, the Claimant was temporarily and partially disabled from May 8, 1998 to May 17, 1998; and, from May 23, 1998 to June 15, 1998, during which period his earning capacity was reduced to \$102.39 per week, entitling him to compensation for 4 6/7 weeks at \$102.39 per week, amounting to \$449.95.
9. That as a result of the injury, the Claimant has sustained a permanent partial disability beginning June 2, 2005 equivalent to sixteen percent (16%) loss of the left lower extremity for which he is entitled to compensation for 46.08 weeks (16% of 288 weeks) at \$464.07 per week beginning June 2, 2005, amounting to \$21,384.35.
10. That the sum of the compensation set forth in stipulations 7, 8 and 9 is \$67,363.16, of which the Employer and Carrier have paid \$67,363.16.
11. That the Parties agree that any and all applicable interest to be paid is to be in accordance with the current federal interest rate.

## **ORDER**

It is hereby ORDERED that:

1. The Employer, Newport News Shipbuilding and Drydock Company, shall pay compensation to the Claimant as follows:
  - a. compensation for a total of 98 weeks at \$474.07 per week, amounting to \$45,478.86 for the periods of September 23, 1997 to May 7, 1998; May 18, 1998 to May 21, 1998; June 16, 1998 to July 6, 1998; July 16, 1998 to July 20, 1998;

January 20, 2000 to January 30, 2000; August 17, 2000 to September 12, 2000; October 27, 2000 to November 18, 2000; June 6, 2001 to June 10, 2001; October 1, 2002 to January 19, 2003; May 12, 2003 to May 19, 2003; October 6, 2003 to December 14, 2003; January 28, 2003 to February 15, 2004; August 13, 2004 to January 10, 2005; and from February 10, 2005 to February 13, 2005.

- b. compensation for a total of 4 -6/7 weeks at \$102.39 per week, amounting to \$449.95 for the periods May 8, 1998 to May 17, 1998 and May 23, 1998 to June 15, 1998.
  - c. compensation for a total of 46.08 weeks beginning June 2, 2005, at \$464.07 per week amounting to \$21,384.35.
- 2. The Employer and Carriers shall be credited with having paid Claimant a total of \$67,363.16 in compensation for the periods set forth in Order paragraph number one.
  - 3. The Employers shall be entitled to a credit for any additional related disability payments, if any, to Claimant as a result of Claimant's compensable injury.
  - 4. The Employers shall pay interest at the treasury bill rates specified in 28 USC § 1961 in effect when this Decision and Order is filed with the Office of the District Director, on all accrued unpaid benefits, if any, computed from the date on which each payment was originally due to be paid.
  - 5. The Employers shall continue to furnish such reasonable, appropriate and necessary medical care for Claimant's work-related injury pursuant to § 907 of the Act.
  - 6. All monetary computations made pursuant to this Decision and Order are subject to verification by the District Director.
  - 7. Within twenty (20) days of the receipt of this Decision and Order, Claimant's attorney shall file a fully itemized and supported fee petition with the Court, and send a copy of the same to opposing counsel who shall then have fifteen (15) days to respond with objections thereto.



Alan L. Bergstrom  
Administrative Law Judge

ALB/jcb  
Newport News, Virginia